IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 2ND JULY 2007 / 11TH ASHADHA 1929

Crl.Rev.Pet.No. 352 of 1998(M)

CRA.163/1997 of V ADDL.SESSIONS COURT, ERNAKULAM
CC.41/1995 of ADDL.CHIEF JUDICIAL MAGISTRATE, ERNAKULAM

.....

REVN. PETITIONER:

VINISH,
S/O.GANGADHARAN,
PALLATHUVEETTIL,
UDAYAMPEROOR KARA,
MOOTHAKUNNAM VILLAGE

BY ADV. SRI.C.P.UDAYABHANU

RESPONDENTS:

STATE, REPRESENTED BY THE S.I. OF POLICE,
HILL PALACE POLICE STATION,
(CRIME NO.56/94) REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 02/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P.NO.1807/1998 IN CRL.R.P.NO.352/1998

CLOSED

SD/- K.R.UDAYABHANU, JUDGE

02/07/2007

\\TRUE COPY//

K.R.UDAYABHANU, J.

~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~

Crl.R.P.No.352/1998(C)

~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~

Dated this the 2nd day of July, 2007

O R D E R

The revision petitioner stands convicted for the offences under Sections 323 and 324 Indian Penal Code and sentenced to undergo rigorous imprisonment for three months under Section 323 I.P.C and one year for the offence under Section 324 I.P.C.

2. The prosecution case is that on 30/03/1994, at about 11 p.m., the accused 10 in number formed themselves into an unlawful assembly and holding dangerous weapons, near Eroor Shari Temple and stopped the mini lorry, bearing No.KL-5 A 2894, in which PWs.1 to 3 were travelling and pulled them out, beat them with iron rods and with hands, which resulted in grievous hurt to PW.2 and injuries to PW.1.

3. The trial court acquitted all the accused, except the first accused, and convicted the first accused for the offence under Section 323, 324 and 326 of the I.P.C. The appellate court acquitted the first accused for the offence under Section 326

I.P.C but confirmed the conviction and sentence for the offences under Sections 323 and 324 I.P.C. The counsel for the revision petitioner has only pleaded for leniency and sought for modification of sentence.

In view of the fact that the incident took place in March 1994 and that more than a decade has elapsed since the commencement of the proceedings and, that the accused/revision petitioner has been facing the same for so long, I think that the sentence can be modified. It is also seen that PW.1 has not sustained very serious injuries. Hence, the sentence is modified to imprisonment till the rising of the court and to pay compensation of Rs.7500/- to PW.1 and in default, to undergo simple imprisonment for three months. The revision petitioner/the first accused is directed to appear before the Additional Chief Judicial Magistrate, Ernakulam, on 10/08/2007 to receive the sentence.

The revision petition is disposed of, as above.

K.R.UDAYABHANU,
Judge

ms

K.R.UDAYABHANU, J.

~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~

Crl.R.P.No.352/1998(C)

~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~

O R D E R

2nd July, 2007